IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 15326 of 2003

Between:

V. Krishna Mohan,S/o. Venkateswarlu, 38 years,

R/o. H.No.23-2-25/15, Ratnampeta, Rajahmundry, E.G. Dist.

..... PETITIONER

AND

1.A.P. State Road Transport Corporation, rep by its Chairman

and Managing Director, RTC X Roads, Hyderabad.
2.The Depot Manager, A.P. State Road Transport Corporation,

RajahmundryRegion, E.G. Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus (i) declaring the orders passed in proceedings No. E6/255(14)/2001-RM-RJY dated 30-10-2001/24-10-2001 and consequential proceedings No. E6/684(10)/02-RM-RJY dated 20-8-2002 as arbitrary, illegal, discriminatory and violative of Articles 14 and 16 of the constitution of India and violative of principles of natural justice and set aside the same orders (ii) to direct the respondents to restore the petitioner's name in the panel of Conductors as per the proceedings No. E6/684(3)/99-RM-RJY dated 13-3-2000 (iii) to direct the Respondents to regularly appoint the petitioner as conductor in the immediate vacancies as per Notification dated
9-11-1999.

Counsel for the Petitioner: MR.E.MADAN MOHAN RAO

Counsel for the Respondents: Sri Y Vivekanandaswamy

The Court made the following:

ORDER:

The petitioner questions the communication dated 20.08.2002 made by the 2nd respondent–Regional Manager, Andhra Pradesh State Road Transport Corporation, Rajahmundry Region,

In the impugned communication letter dated 20.08.2002 it has been stated that the petitioner was selected to the post of Conductor, Grade-II by the Recruitment conducted during the year 2000 and also re-selected during the year 2001 under the quota of Scheduled Caste candidate. It is also mentioned that the petitioner was informed through paper advertisement in October 2001 and individual call letter was also issued with an advise to join duty during the strike period from 15.10.2001 to 07.11.2001, but the petitioner failed to report for the duty in response to the paper advertisement and call letter and therefore the name of the petitioner was deleted from the panel vide proceedings dated 30.10.2001. Once again, the decision of deleting the name of the petitioner from the panel is communicated by impugned communication.

It is the specific case of the petitioner that in pursuant to the said communication dated 20.8.2002 the petitioner made a representation dated 25.09.2002 before the 2nd respondent stating that pursuant to his recruitment as Conductor, Grade II, he has been working on daily wage basis and he has not received any call letter to attend duty in the strike period and unfortunately as he is not in the habit of seeing newspaper, he could not notice the advertisement and therefore in those circumstances he could not attend the duty during strike period

and he requested not to delete his name from the panel, but no action has been taken.

A counter has been filed by the respondents, stating that the individual call letters were sent to the residential addresses of the candidates, including the petitioner, advising them to attend the duties. It is also stated that the name of the petitioner was deleted from the regular list of the Conductors, as he has failed to attend the duties during the strike period in pursuance to the paper advertisement and call letter.

The perusal of the communication letter discloses that regular employees have went on strike from 15.10.2001 to 07.11.2001. The so-called call letter referred in the communication said to have issued on 17.10.2001. No record has been placed before this Court to show that individual call letter has been sent to the petitioner. There is absolutely no evidence to show that the petitioner received any call letter. Basing on the paper advertisement, the respondents cannot find fault with the petitioner for not attending the duty during the strike period. The respondents cannot assume and presume that the petitioner noticed the paper advertisement and also received call letter, and take action for deleting his name. As the petitioner specifically denies about the perusal of the advertisement and also receipt of call letter, the respondents should have conducted an enquiry before deleting his name. The action of the respondents in deleting the name of the petitioner on the ground that he failed to attend the duties in spite of paper advertisement and in spite of the receipt of call letter, is without any basis and deleting his name casting stigma in the conduct of the petitioner in not attending the duty in spite of request of the respondents. Therefore the action of the respondents deleting the name of the petitioner from the selected panel of Conductors is illegal and unsustainable and against the principles of natural justice.

The impugned orders, accordingly, are set aside. The Writ petition is allowed as prayed for. There shall be no order as to costs.

12th AUGUST 2004

GS/BSS

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this

Twelth day of August, 2004.

Registrar.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The Chairman and Managing Director,A.P. State Road

Transport Corporation, RTC X Roads, Hyderabad.
2.The Depot Manager, A.P. State Road Transport Corporation,

Rajahmundry Region, E.G. Dist.

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